

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

LORI'S DINER INTERNATIONAL, INC.
Employer

and

Case 20-RD-002477

FRANK PARK
Petitioner

and

UNITE! HERE LOCAL 2
Union

ORDER

The Employer's and the Petitioner's Requests for Review of the Regional Director's administrative dismissal of the petition are denied as they raise no substantial issues warranting review.¹

BRIAN E. HAYES, MEMBER

RICHARD F. GRIFFIN, JR., MEMBER

SHARON BLOCK, MEMBER

Dated, Washington, D.C., May 23, 2012.

¹In denying review, we apply *Lamons Gasket*, 357 NLRB No. 72 (2011), and thus find it unnecessary to address the Regional Director's rationale for dismissing the petition. In *Lamons Gasket*, the Board established a voluntary-recognition bar and stated that it would "apply this new rule retroactively in all pending cases, except those in which an election was held and the ballots have been opened and counted, consistent with the Board's established approach in representation proceedings." Slip op. at 10.

Member Hayes dissents from his colleagues' dismissal of the petition based on *Lamons Gasket*, 357 NLRB No. 72 (2011). For the reasons set forth in his dissent in that case, he would continue to process petitions timely filed within the 45-day post-recognition notice period required by *Dana Corp.*, 351 NLRB 434 (2007), which *Lamons Gasket* overruled. Inasmuch as his colleagues do not rely on the Regional Director's rationale for dismissing the petition, Member Hayes finds no need to address that rationale.